

INGA L. PARSONS
CHRISTIAN J. URBANO*
(of Counsel)

Admitted to MA* NY WY
Federal Courts
U.S. Supreme Court

Attorneys at Law
3 Bessom St. No. 234
Marblehead, MA 01945

Tel: 781-581-2262
Fax: 888-406-9538
Cell: 781-910-1523

Inga@IngaParsonsLaw.com

Christian@IngaParsonsLaw.com

BY ECF

June 14, 2024

Honorable Kenneth M. Karas
United States District Judge
United State District Court
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione* 16-cr-832 (KMK)

Dear Judge Karas:

At Mr. Tartaglione's sentencing on June 10, 2024, counsel requested that Mr. Tartaglione be allowed to remain at the Metropolitan Correctional Center pending his appeal. At the time, the Court was inclined to leave it up to the BOP.

Counsel has had an opportunity to investigate the Court's authority and if other judges have made such ruling and writes this letter to renew that request and ask this Court to reconsider and make this recommendation and amend the judgment accordingly or issue an appropriate order.

Rule 38(b)(2) provides that "[i]f the defendant is not released pending appeal, the court may recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a period reasonably necessary to permit the defendant to assist in preparing the appeal." Fed. R. Cr. Proc. 38(b)(2). *See e.g., United States v. Samuel Bankman-Fried*, No. 22-Cr00673 (LAK) (S.D.N.Y May 22, 2024) (issuing similar order).

Judge Rakoff granted this request in the case of *United States v. Israel Garcia* 1:21-CR-00412 (JSR) who also was given a life sentence. Mr. Garcia remains at the MDC.

Mr. Tartaglione respectfully requests, pursuant to Rule 38(b)(2) of the Federal Rules of Criminal Procedure, that the Court recommend to the Bureau of Prisons ("BOP"), by including in its Judgment and Commitment or by other order, that the BOP allow him to remain at the Metropolitan Detention Center in Brooklyn to facilitate access to his appellate counsel pending the filing of the briefs in his anticipated appeal.

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In addition, defense counsel continues to work to sanitize certain of the exhibits for public disclosure (others will need to remain under seal) and the government had no objection to making a public disclosure after the sentence which apparently happens in a number of these cases with voluminous records. Counsel had obtained consent prior to the sentencing from AUSA Comey and wanted to make sure that it was in the record.

Thank you for your time and consideration and reconsideration.

Respectfully,

/s/ Inga L. Parsons

Inga L. Parsons
Susan C. Wolfe